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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

DANIEL OMAR PEREZ,

Defendant and Appellant.

D066159

(Super. Ct. No. SCD247678)

APPEAL from a judgment of the Superior Court of San Diego County, Kenneth K. So, Judge. Affirmed.

Patricia Ihara, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Daniel Omar Perez appeals a judgment following his guilty plea to one count of voluntary manslaughter (Pen. Code, § 192, subd. (a))<sup>1</sup> and one count of attempted murder (§§ 664, 187, subd. (a)) and admission of the truth of allegations he personally used a deadly and dangerous weapon in committing each of those offenses (§ 12022, subd. (b)(1)).

### FACTUAL AND PROCEDURAL BACKGROUND

In October 2013, an information charged Perez with the murder of Charles Berry (§ 187, subd. (a)) and the attempted murder of Randi Jones (§§ 664, 187, subd. (a)) and further alleged that in committing each of those offenses he personally used a deadly and dangerous weapon (§ 12022, subd. (b)(1)). In March 2014, pursuant to a plea agreement, Perez pleaded guilty to one count of voluntary manslaughter (§ 192, subd. (a)) and one count of attempted murder (§§ 664, 187, subd. (a)), and admitted the truth of the deadly weapon use allegations (§ 12022, subd. (b)(1)). His plea form stated that he was induced to plead guilty by the stipulated prison term of 18 years, consisting of the upper term of 11 years for the voluntary manslaughter offense with a one-year consecutive term for the weapon use enhancement and a consecutive lower term of five years for the attempted murder with a one-year consecutive term for the weapon use enhancement. As part of his guilty plea, Perez waived his right to appeal that stipulated sentence. The trial court questioned Perez regarding the plea agreement and waiver of his constitutional rights,

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<sup>1</sup> All statutory references are to the Penal Code.

found a factual basis for his plea, and accepted his guilty plea and admissions. At sentencing, the trial court imposed the stipulated sentence in accordance with Perez's guilty plea, imposed certain fines and fees, and awarded him 389 actual days and 58 conduct days toward his sentence.

Perez timely filed a notice of appeal. The trial court denied his request for a certificate of probable cause.

### DISCUSSION

Perez's appointed counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal of the judgment, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738. Counsel identifies the following possible, but not arguable, issues for our review: (1) does Perez's guilty plea preclude him from challenging his convictions for voluntary manslaughter and attempted murder on the grounds of insufficiency of the evidence, self-defense, and tampered evidence; (2) were his credits correctly calculated; (3) was he properly advised of his constitutional rights and the consequences of pleading before entering his guilty plea; and (4) were his full consecutive sentences and full consecutive enhancements unauthorized under section 1170.1?

We granted Perez permission to file a supplemental brief on his own behalf, but he has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d

436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issues. Perez has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

NARES, Acting P. J.

McINTYRE, J.